

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JOHN ROE (A#: 076-475-480)

Plaintiff

vs.

JOHNSON COUNTY, TEXAS, *et al.*,

Defendants.

Civil Action No. 3:18-cv-2497-B-BN

**ROE’S UNOPPOSED RULE 41(2) MOTION TO DISMISS STATE CLAIMS IN COUNT  
35, 36, 37 and 38 of D.E. 156 WITHOUT PREJUDICE**

COMES NOW, JOHN ROE (“Roe” or “Plaintiff”), by and through undersigned counsel, and hereby files this **Unopposed RULE 41(2) MOTION TO DISMISS STATE CLAIMS IN COUNT 35, 36, 37 and 38 WITHOUT PREJUDICE**, (hereinafter the “Motion”) and would respectfully show the Court as follows:

1. Defendants have filed answers in this matter;
2. There have been no Counterclaims filed in this matter;
3. Motions for Summary Judgment have been filed by Defendants in this matter and rulings are pending on some of those Motions for Summary Judgment;
4. Additionally, in the Court’s *Findings, Conclusions and Recommendation of the United States Magistrate Judge* (“R&R”) [D.E. 253], the Honorable Judge L. Horan stated, “...the undersigned is inclined to recommend that the Court decline to assert jurisdiction over these pendent state law claims.” Accordingly, in the interest of judicial economy Plaintiff seeks to dismiss without prejudice his state law claims in Counts 35, 36, 37 and 38.

5. Accordingly, Plaintiff moves the Court to Dismiss state claims without Prejudice encompassed in Counts 35, 36, 37 and 38.

WHEREFORE, Roe respectfully requests that the Court grants his Motion.

Respectfully submitted,

/s/ Reginald E. McKamie  
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*Attorney for JOHN ROE*

### **CERTIFICATE OF CONFERENCE**

Pursuant to LR 7.1(a), Counsel for Plaintiff conferred with Defendants on August 12, 2020 and they state the following: All Defendants state they are unopposed to the motion.

Respectfully submitted,

/s/ Reginald E. McKamie  
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*Attorney for JOHN ROE*

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Reginald E. McKamie\_\_\_\_\_  
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